

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

8:16 am, Mar 15, 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

MICHAEL T. RICCIARDI,

Plaintiff,

ADOPTION ORDER

15-cv-2715 (ADS)(AYS)

-against-

CAROLYN W. COLVIN, *Commissioner of
Social Security,*

Defendant.

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APPEARANCES:

Philip Howard Seelig

Attorney for the Plaintiff

299 Broadway

Suite 1600

New York, NY 10007

By: Philip Howard Seelig, Esq., Of Counsel

United States Attorney's Office for the Eastern District of New York

Attorneys for the Defendant

271 Cadman Plaza East

Brooklyn, NY 11201

By: Joseph Anthony Marutollo, Assistant United States Attorney

SPATT, District Judge.

On May 12, 2015, the Plaintiff Michael T Ricciardi (the "Plaintiff") commenced this action pursuant to 42. U.S.C. § 405(g) seeking judicial review of the final administrative decision of the Commissioner of Social Security Carolyn W. Colvin (the "Commissioner") denying his claim for Social Security disability insurance benefits.

On November 6, 2015, the Plaintiff moved pursuant to Federal Rule of Civil Procedure ("Rule") 12(c) for a judgment on the pleadings to remand this case to the Commissioner for further proceedings.

On January 12, 2016, the Commissioner cross moved pursuant to Rule 12(c) for a judgment on the pleadings affirming the decision of the Commissioner denying the Plaintiff's claims for social security benefits.

On October 5, 2016, the Court referred the cross-motions to Magistrate Judge Anne Y. Shields for a report and recommendation ("R&R") as to whether judgment on the pleadings for either party should be granted, and if so, the relief to be granted.

On February 28, 2017, Judge Shields issued an R&R recommending that the Plaintiff's motion for a judgment on the pleadings pursuant to Rule 12(c) be denied; and that the Commissioner's cross-motion for a judgment on the pleadings pursuant to Rule 12(c) be granted.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the R&R is adopted in its entirety. The Clerk of the Court is directed to enter judgment for the Commissioner in accordance with the R&R, and to close this case.

SO ORDERED.

Dated: Central Islip, New York

March 15, 2017

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge